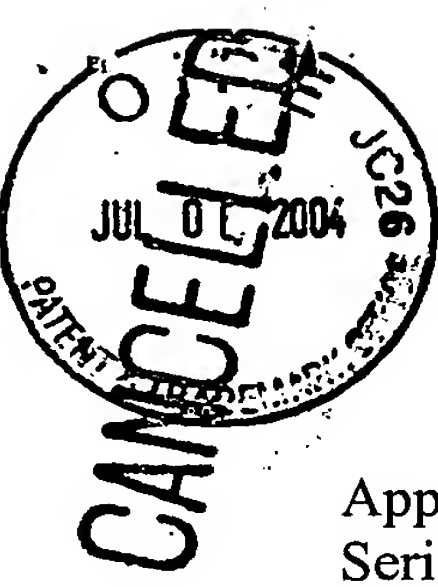


07-08-04

1648/8  
J  
Qsw

Attorney's Docket No.: 17109-003001  
(37851-912)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Manuel Vega, et. al  
Serial No. : 10/022,390  
Filed : December 17, 2001  
Cust. No. : 20985  
Title : MUTANT RECOMBINANT ADENO-ASSOCIATED VIRUSES

Art Unit : 1648  
Examiner : Hill, Myron G.  
Conf. No. : 5547

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

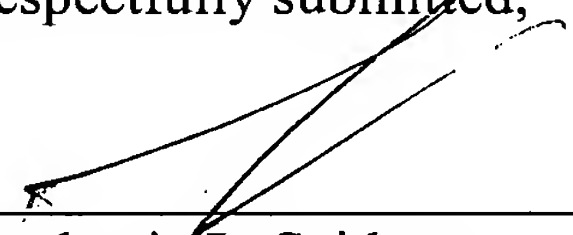
Dear Sir:

Transmitted herewith is an Election and Preliminary Amendment in Response to the Office Action, mailed March 24, 2004; a check for \$ 475 for the requisite fee for a three-month extension of time; a change of correspondence address form, and a return postcard. If a Petition for extension of time is needed, this paper is to be considered such Petition.

**Extension fee for a three-month extension of time:**

- ☒ By a small entity.....\$475
- ☒ The Commissioner is hereby authorized to charge the fee for the extension of time and any other fee that may be due in connection with this and the attached papers or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

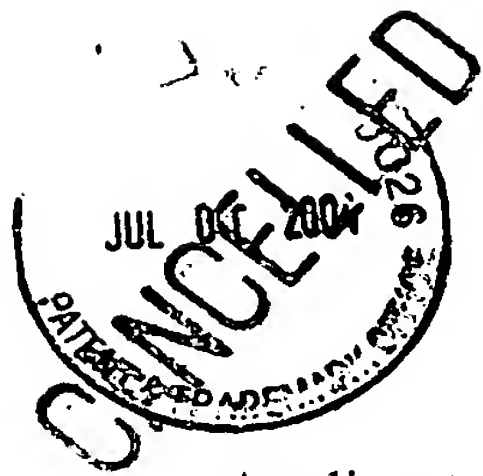
Respectfully submitted,

  
Stephanie L. Seidman  
Reg. No. 33,779

Attorney Docket No. 17109-003001 (37851-912)  
**Address all correspondence to:**  
Stephanie L. Seidman  
Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5070  
Facsimile: (202) 626-7796  
email: seidman@fr.com

CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
"Express Mail" Mailing Label Number EV 399294650 US  
Date of Deposit July 6, 2004  
I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Mail Stop Amendment Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

  
Stephanie L. Seidman



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Manuel Vega, *et. al*

Serial No. : 10/022,390

Filed : December 17, 2001

Cust. No. : 20985

Title : MUTANT RECOMBINANT ADENO-ASSOCIATED VIRUSES

Art Unit : 1648

Examiner : Hill, Myron G.

Conf. No. : 5547

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY  
AMENDMENT**

**Dear Sir:**

Responsive to the Requirement for Restriction mailed March 24, 2004, Applicant elects, with traverse, Group XXIV, claims 57-64, directed to nucleic acid molecules encoding Rep proteins. Applicant also elects for search purposes, with traverse, species of nucleic acid molecules that encode a mutant Rep protein that has increased activity manifested as an increased titer of virus. If necessary, a single nucleic acid molecule also is elected encoding a mutant Rep protein where the mutation is a replacement of a T by N at position 350 in the Rep78 protein, the AAV serotype is AAV-2 and the mutant has increased activity as compared to the native protein.

**Amendments to the specification** begin on page 2 of this paper

**Amendments to the claims** begin on page 3 of this paper.

**Remarks** begin on page 5 of this paper.

07/12/2004 WABRHAM1 00000067 10022390

01 FC:2253

475.00 OP

CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
"Express Mail" Mailing Label Number EV 399294650 US  
Date of Deposit July 6, 2004

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Mail Stop Amendment Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

Stephanie L. Seidman